



General Assembly

Substitute Bill No. 5904

February Session, 2000

***An Act Concerning Electronic Monitoring Of Drunken Drivers
And Other Probationers With A History Of Alcohol Abuse And
Requiring Notification When The Functioning Of Electronic
Monitoring Equipment Is Interrupted.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (a) Not later than January 1, 2001, the Chief Court
2 Administrator shall establish a pilot zero-tolerance alcohol supervision
3 program to monitor the consumption of alcohol by persons placed on
4 probation who have been convicted of a violation of section 14-227a, as
5 amended, 53a-56b or 53a-60d of the general statutes or who have a
6 history of alcohol abuse.

7 (b) Eligibility for participation in the program shall be limited to
8 individuals who have been convicted of an offense, have been
9 identified as having a history of alcohol abuse and have been
10 sentenced to a period of probation and ordered by the court, as a
11 condition of such probation, to participate in the program and shall be
12 based upon criteria, including a limit on the maximum number of
13 eligible participants, established by the Chief Court Administrator.

14 (c) Any person entering such program shall, as a condition of
15 participating in such program, agree to: (1) Submit to periodic breath
16 tests to determine the presence of alcohol in the blood of such person,
17 (2) detention in a halfway house facility each time such test produces a

18 positive result, (3) comply with all rules established by the halfway
19 house if detained in such facility, and (4) waive the right to a hearing.

20 (d) Participants in the zero-tolerance alcohol supervision program
21 shall submit to periodic breath tests to determine the presence of
22 alcohol in the blood of such person. The Office of Adult Probation shall
23 cause to be installed in the dwelling of each participant a device that
24 measures the amount of alcohol in such participant's blood as shown
25 by a chemical analysis of the participant's breath when such
26 participant blows into the device and that electronically transmits the
27 results of such analysis to such participant's probation officer. If the
28 test produces a positive result, the participant shall be detained in a
29 halfway house facility for a period of two days for the first positive test
30 result and for a period of five days for each subsequent positive test
31 result.

32 (e) Any person who has submitted to a breath test pursuant to
33 subsection (d) of this section that produced a positive result may
34 request that a breath test be administered, at such person's expense, to
35 confirm the results of the first test, except that if the participant is
36 determined to be indigent, based upon financial affidavits, the Judicial
37 Department shall pay the cost of the test. The second test shall be a
38 breath test, separate and independent of the initial test. The participant
39 shall be detained in a halfway house pending the results of the second
40 test. If such second test does not produce a positive result, the
41 participant, if detained in a halfway house, shall be released and the
42 fee, if paid by the participant, shall be refunded to the participant.

43 (f) A participant enrolled in the zero-tolerance alcohol supervision
44 program may be charged with a violation of probation if the
45 participant's probation officer determines that the participant has
46 violated the conditions of probation or the conditions of the program.

47 (g) Not later than January 1, 2002, the Chief Court Administrator
48 shall submit a report on the pilot zero-tolerance alcohol supervision
49 program to the joint standing committee of the General Assembly

50 having cognizance of matters relating to criminal justice.

51 Sec. 2. Subsection (h) of section 14-227a of the general statutes, as
52 amended by section 1 of public act 99-255, is repealed and the
53 following is substituted in lieu thereof:

54 (h) Any person who violates any provision of subsection (a) of this
55 section shall: (1) For conviction of a first violation, (A) be fined not less
56 than five hundred dollars nor more than one thousand dollars and (B)
57 be (i) imprisoned not more than six months, forty-eight consecutive
58 hours of which may not be suspended or reduced in any manner or (ii)
59 imprisoned not more than six months, with the execution of such
60 sentence of imprisonment suspended entirely and a period of
61 probation imposed requiring as a condition of such probation that
62 such person perform one hundred hours of community service, as
63 defined in section 14-227e, and (C) have such person's motor vehicle
64 operator's license or nonresident operating privilege suspended for
65 one year; (2) for conviction of a second violation within ten years after
66 a prior conviction for the same offense, (A) be fined not less than one
67 thousand dollars nor more than four thousand dollars, (B) be (i)
68 imprisoned not more than two years, one hundred twenty consecutive
69 days of which may not be suspended or reduced in any manner, and
70 sentenced to a period of probation requiring as a condition of such
71 probation that such person perform one hundred hours of community
72 service, as defined in section 14-227e, or (ii) imprisoned not more than
73 two years, twenty days of which may not be suspended or reduced in
74 any manner, and sentenced to a period of probation of six months
75 requiring as a condition of such probation that such person participate
76 in the pilot zero-tolerance alcohol supervision program established
77 under section 1 of this act, and (C) have such person's motor vehicle
78 operator's license or nonresident operating privilege suspended for
79 three years or until the date of such person's twenty-first birthday,
80 whichever is longer; and (3) for conviction of a third and subsequent
81 violation within ten years after a prior conviction for the same offense,
82 (A) be fined not less than two thousand dollars nor more than eight

83 thousand dollars, (B) be imprisoned not more than three years, one
 84 year of which may not be suspended or reduced in any manner, and
 85 sentenced to a period of probation requiring as a condition of such
 86 probation that such person perform one hundred hours of community
 87 service, as defined in section 14-227e, and (C) have such person's
 88 motor vehicle operator's license or nonresident operating privilege
 89 permanently revoked upon such third offense. For purposes of the
 90 imposition of penalties for a second or third and subsequent offense
 91 pursuant to this subsection, a conviction under the provisions of
 92 subsection (a) of section 14-227a in effect on October 1, 1981, or as
 93 amended thereafter, a conviction under the provisions of either
 94 subdivision (1) or (2) of subsection (a) of this section, a conviction
 95 under the provisions of section 53a-56b or 53a-60d or a conviction in
 96 any other state of any offense the essential elements of which are
 97 determined by the court to be substantially the same as subdivision (1)
 98 or (2) of subsection (a) of this section or 53a-56b or 53a-60d, shall
 99 constitute a prior conviction for the same offense.

100 Sec. 3. (NEW) If there is an interruption in the functioning of the
 101 electronic monitoring equipment of a person subject to electronic
 102 monitoring as a condition of release on probation pursuant to section
 103 53a-30 of the general statutes, as amended, or prior to trial pursuant to
 104 section 54-64a of the general statutes, as amended, the agent of the
 105 state responsible for supervising such electronic monitoring shall
 106 immediately notify the appropriate law enforcement agency or
 107 agencies and the Court Support Services Division within the Judicial
 108 Department of such interruption and such law enforcement agency or
 109 agencies and said division shall use their best efforts to locate such
 110 person as soon as possible.

JUD Committee Vote: Yea 39 Nay 1 JFS

PS Committee Vote: Yea 22 Nay 0 JF

LM Committee Vote: Yea 20 Nay 0 JF

APP Committee Vote: Yea 41 Nay 0 JF